

107TH CONGRESS
1ST SESSION

H. R. 2331

To provide for oversight of the activities of the Federal Energy Regulatory Commission by the Comptroller General, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2001

Mr. HORN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To provide for oversight of the activities of the Federal Energy Regulatory Commission by the Comptroller General, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Energy Market Moni-
5 toring Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

8 (1) When Congress created the Federal Energy
9 Regulatory Commission in 1977 under the Depart-
10 ment of Energy Organization Act, it did not explic-

1 itly address the Comptroller General's authority to
2 request and subpoena information from facilities or
3 businesses engaged in energy matters related to the
4 Federal Energy Regulatory Commission's activities.
5 Clarification of the scope of the Comptroller Gen-
6 eral's access to such information would facilitate the
7 Comptroller General's monitoring of the Nation's en-
8 ergy programs.

9 (2) For markets to function properly to provide
10 consumers with goods at a competitive price, and to
11 protect consumers from unjust prices or price ma-
12 nipulation, the markets must be transparent in their
13 transactions. Although the Federal Energy Regu-
14 latory Commission is responsible for market moni-
15 toring, it is unclear whether the Federal Energy
16 Regulatory Commission has in its possession or has
17 requested from market participants comprehensive
18 market data.

19 (3) To ensure transparency of energy markets,
20 and to help protect both consumers and suppliers,
21 the General Accounting Office, as the investigative
22 arm of Congress, must have full authority to exam-
23 ine all markets and market participants' activities.

1 **SEC. 3. FUNCTIONS OF COMPTROLLER GENERAL.**

2 (a) AMENDMENT.—Title IV of the Department of
3 Energy Organization Act (42 U.S.C. 7171–7177) is
4 amended by adding at the end the following new section:

5 “FUNCTIONS OF COMPTROLLER GENERAL

6 “SEC. 408. (a) SCOPE OF ACTIVITIES.—The Comp-
7 troller General shall monitor and evaluate the functions
8 and activities of the Federal Energy Regulatory Commis-
9 sion.

10 “(b) ACCESS TO INFORMATION.—Any person owning
11 or operating facilities or business premises subject to the
12 jurisdiction of the Federal Energy Regulatory Commission
13 shall provide the Comptroller General with access, includ-
14 ing the right to make copies, of any books, documents,
15 papers, statistics, data, records, and information where
16 such material relates to the jurisdiction of the Federal En-
17 ergy Regulatory Commission, including materials related
18 to energy prices, costs, demand, supply, industry and mar-
19 ket structure, auction processes, and environmental im-
20 pacts.

21 “(c) SUBPOENAS.—To assist in carrying out the
22 Comptroller General’s responsibilities under this section,
23 including any audit, investigation, examination, analysis,
24 review, or evaluation, the Comptroller General may issue
25 subpoenas to any person described in subsection (b) re-

1 quiring the production of any books, documents, papers,
2 statistics, data, records, and information.

3 “(d) SECURING COMPLIANCE WITH SUBPOENA.—
4 Upon petition by the Comptroller General or the Attorney
5 General (upon request of the Comptroller General), any
6 United States district court within the jurisdiction of
7 which an inquiry under this section is carried out may,
8 in the case of refusal to obey a subpoena of the Comp-
9 troller General issued under this section, issue an order
10 requiring compliance therewith, and any failure to obey
11 the order of the court may be treated by the court as a
12 contempt thereof.”.

13 (b) TABLE OF CONTENTS AMENDMENT.—The table
14 of contents of title IV of the Department of Energy Orga-
15 nization Act is amended by adding after the item relating
16 to section 407 the following new item:

“Sec. 408. Functions of Comptroller General.”.

